



US PTO Cust. No. 2280

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Case No. 5393

AMENDMENT

TC 1700

IN THE CLAIMS:

1.(Amended) A method of producing an antimicrobial hard surface substrate comprising the steps of

- a) providing a hard surface substrate;
  - b) providing a sol-gel precursor formulation comprising a host precursor component and at least one metal-containing antimicrobial agent selected from the group consisting of metal-containing ion-exchange compounds, metal-containing zeolites, metal-containing glasses, and any mixtures thereof;
  - c) compounding said sol-gel film precursor formulation to produce an adhesive sol-gel coating composition;
  - d) applying said sol-gel coating composition to at least a portion of said hard surface substrate; and
  - e) exposing said sol-gel coated hard surface substrate to a temperature of at most about 800°C to form a finished sol-gel film-coated hard surface substrate,
- wherein said finished substrate exhibits a log kill rate for *Klebsiella pneumoniae* of at least 0.5 as measured under a modified plate contact method method being JIS Z2801:2000 utilizing a phosphate buffer solution.

Cancel Claims 6-7.

8.(Amended) The method of Claim 1 wherein said host precursor is selected from the group consisting of TMOS, TEOS, aluminum acetylacetonate, titanium acetylacetonate, zirconium acetylacetonate, and any mixtures thereof.

Cancel Claims 9-12.

17.(Amended) The method of Claim 1 wherein said metal-containing antimicrobial agent is a silver-containing ion-exchange compound.

#### REMARKS

Claims 1-5, 8, and 13-17 are pending within this application. Claim 1 has been amended simply by incorporating most of the limitations of previous Claim 6 therein in terms of the particular metal-based antimicrobial compounds as well as further defining the term "modified plate contact method" (from page 5, lines 1-3, for example), and thus has not changed in scope as this definition was clearly provided within the originally filed specification for this term. The remaining amended Claims 8 and 17 have merely had their dependencies changed from now-cancelled claims. Claims 6-7 and 9-12 have been cancelled. No new claims have been added. No new matter has been added. Entry and due consideration of these amendments are therefore earnestly solicited.

The amendment to Claim 1, above, should overcome the rejection under 35 U.S.C. § 112, second paragraph. Thus, Applicant submits that such a rejection is now moot.